

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>BARBARA LODER HILDEBRANDT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. C-1-02 0003</b>
	)	
<b>HYATT CORPORATION, et al.</b>	)	<b>Judge Sandra Beckwith</b>
	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' MOTION FOR AN AWARD OF COSTS**

Defendants Hyatt Corporation ("Hyatt"), Tyson Helms ("Helms"), Jack Horne ("Horne") and Brian Booth ("Booth")<sup>1</sup> ("Defendants"), by and through the undersigned counsel of FISHER & PHILLIPS LLP, hereby move pursuant to 28 U.S.C. §1920 and Fed. R. Civ. P. 54(d), for entry of an award of the costs incurred in the defense of Plaintiff's claims, and taxing the costs to Plaintiff. In support of this Motion, Defendants state as follows:

1. On November 29, 2001, Plaintiff filed her initial state court Complaint against Booth, Hyatt and Helms. Defendants removed that Complaint to federal court. Thereafter, that action was consolidated with this action which Plaintiff had filed against Hyatt and Jack Horne.
2. On August 9, 2004, a trial was commenced in this action. On August 16, 2004, a jury verdict was entered in favor of Defendants Hyatt, Helms and Horne. Final judgment was entered in this case pursuant to Fed. R. Civ. P. 54 on August 16, 2004.

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<sup>1</sup> Defendant Brian Booth had filed a Bill of Costs on July 12, 2004. Defendants are hereby withdrawing the Bill of Costs filed on behalf of Defendant Booth and are substituting this Bill of Costs on behalf of all Defendants.

3. Additionally, on June 28, 2004, this Court granted in part Defendants' Motion for Summary Judgment and entered an order dismissing all claims brought by Plaintiff against Defendant Booth with prejudice.

4. Accordingly, as prevailing parties, and for the reasons stated in Defendants' Memorandum in Support of Defendants' Bill of Costs, Defendants are entitled to recover their taxable costs as set forth in the accompanying Bill of Costs and Itemization of Bill of Costs.

WHEREFORE, Defendants respectfully request that this Court enter an order awarding them costs in the amount of \$83,765.18 and taxing those costs to the Plaintiff, Barbara Hildebrandt.

Respectfully submitted,

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Attorneys for Defendants, HYATT  
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\* By Jeffrey J. Harmon

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 24, 2004, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to Stanley M. Chesley and Robert A. Steinberg, Waite, Schneider, Bayless & Chesley Co., L.P.A., 1513 Central Trust Tower, Cincinnati, Ohio 45202 and Michael J. O'Hara, O'Hara, Ruberg, Taylor, Sloan & Sargent, 209 Thomas More Park, Suite C, Covington, Kentucky 41017-0411.

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